

United States District Court
for the
Southern District of Florida

Evander Livingston, Plaintiff,)
)
)
v.)
)
Equifax, Inc., and others,)
Defendants.)
)

Civil Action No. 23-21068-Civ-Scola

Order Denying Leave to Proceed In Forma Pauperis

This matter is before the Court on the Plaintiff's motion for leave to proceed in forma pauperis. (ECF No. 3.) Having reviewed the motion, the record, and the relevant legal authorities, the Court **denies** the motion **without prejudice**. (ECF No. 3.)

Although the Plaintiff's motion contains an application to proceed in district court without prepaying costs, provided by the Clerk's office, the Plaintiff does not identify his wages or other income, his available savings, the value of any property he owns, any of his monthly financial obligations, or his debts or other financial obligations. (*Id.* at 1-2.) Instead, the Plaintiff responds to each category with an "N/A." (*Id.*) In a separate, unlabeled page, the Plaintiff requests that the Court waive the filing fee because his "rights ha[ve] been violated by [the] defendants." (*Id.* at 3.)

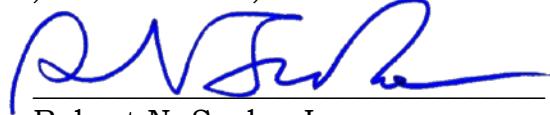
To be able to proceed in forma pauperis, the Plaintiff must establish in an affidavit that he is unable to pay the filing fee due to his financial circumstances. 28 U.S.C. § 1915(a)(1). In evaluating such a motion, the Court must find that "the statements in the [applicant's] affidavit satisfy the requirement of poverty." *Watson v. Ault*, 525 F.2d 886, 891 (5th Cir. 1976). An applicant's "affidavit will be held sufficient if it represents that the litigant, because of his poverty, is unable to pay for the court fees and costs, and to support and provide necessities for himself and his dependents." *Martinez v. Kristi Kleaners, Inc.*, 364 F.3d 1305, 1307 (11th Cir. 2004).

Based on the Plaintiff's statement of "N/A" in response to each of the questions on the application, the Court is unable to make a determination regarding whether the Plaintiff satisfies the poverty requirement to proceed in forma pauperis. *Id.* Further, the Plaintiff's statement that the filing fee should be waived because the Defendants allegedly wronged him does nothing to prove that he meets the poverty requirement. *See id.*

Accordingly, it is **ORDERED and ADJUDGED** that the Plaintiff's motion for leave to proceed in forma pauperis is **denied**. (ECF No. 3.) The Plaintiff may

renew his motion, provided that he appropriately identifies his wages or other income, his available savings, the value of any property he owns, any of his monthly financial obligations, and his debts or other financial obligations on the Clerk's application form.

Done and ordered in Miami, Florida, on March 20, 2023.



Robert N. Scola, Jr.
United States District Judge

Copy via U.S. mail to:

Evander Livingston
8324 NW 5th Ct
Miami, FL 33150